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The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RICHARD D. CAPPELS

Appeal No. 2002-1304
Application No. 08/900,964

ON BRIEF

MAILED

APR 15 2003

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Before KRASS, BARRETT and DIXON, Administrative Patent Judges.

KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 26-45.

The invention pertains to the generation of high-luminance windows on a computer display device.

Representative independent claim 26 is reproduced as follows:

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26. A system for generating a high-luminance viewing window on a computer display device, comprising:

a host computer system for running an application program;

a processor device for automatically generating a window control signal in response to said application program;

a window generator device, for receiving said window control signal, and for generating a window information signal; and

a display control device included in said computer display device for receiving a video signal and said window information signal, for processing said video signal in response to said window information signal and for providing a processed video signal to a computer display screen to generate said high-luminance viewing window thereon.

The examiner relies on the following references:

Whitehead	4,733,229	Mar. 22, 1988
Lagoni	5,204,748	Apr. 20, 1993
McLaughlin et al. (McLaughlin)	5,570,108	Oct. 29, 1996

Claims 26-45 stand rejected under 35 U.S.C. 103. As evidence of obviousness, the examiner offers McLaughlin and Whitehead with regard to claims 26, 27, 34-37 and 41-45, adding Lagoni with regard to claims 28-33 and 38-40.

Reference is made to the brief and answer for the respective positions of appellant and the examiner.

OPINION

At the outset, although ignored by appellant and the examiner, we note that claims 43 and 44, directed to a "computer-readable medium," are awkward. While there is nothing intrinsically wrong with claiming such a computer-readable medium, it is a bit awkward to recite that the medium has instructions for performing steps, e.g., "using a display control device..." wherein such steps require a structure. In any event, we make no rejection based on this language, leaving it to appellant and the examiner to make sure that all claims particularly point out and distinctly claim applicant's invention.

With regard to the independent claims, the examiner applies McLaughlin for a teaching of generating a high-luminance viewing window 300 on a computer display 16 comprising a host computer system for running an application program (citing column 5, lines 15-18), a processor 11 for automatically generating a window control signal (citing column 14, line 37) on link 16E in response to the application program (citing column 14, lines 36-42 and column 15, lines 13-22), and a computer display device 16, wherein the computer display device comprises a window generator

device, identified as processor 16C in Figure 1, for receiving the window control signal and for generating a window information signal (citing column 5, lines 15-21), and a display control device (control circuitry 16D in Figure 1 and column 5, line 14) to control characteristics, such as size, position, brightness and contrast (column 3, lines 50-57), of the main window and the high-luminance window (column 15, lines 13-22). The examiner contends that these two windows have "two distinct informations" and both are displayed on a CRT display screen in response to window information from manual controls 16B or from the window generator 16C. The examiner further points to the display device 16 receiving a video signal from video board 20 under control of processor 11.

The examiner recognizes that McLaughlin does not explicitly disclose the control circuit 16D receiving the video signal and processing the received video signal in response to the window information signal in order to generate a high-luminance viewing window. However, the examiner turns to Whitehead for a teaching of highlighting an area of a CRT, identifying highlight selector 38 in Figure 2 of Whitehead as a window generator device. After discussing how Whitehead discloses various elements for receiving a window control signal generated by a highlight operator

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control, generation of a window information signal and a display control device, at page 4 of the answer, the examiner concludes that it would have been obvious to substitute Whitehead's window generator device and the control display device for the window generator device and the control display device of McLaughlin "because this would allow the operator adjusting the brightness and/or contrast of the selected highlight area and/or the background image independently, as taught by Whitehead (see abstract)" [answer-page 5].

We will reverse the examiner's rejections based on a lack of a showing of a prima facie case of obviousness with regard to the instant claimed subject matter.

Each independent claim specifically requires, in one form or another, a display control for receiving a video signal and a window information signal (which is generated from a window control signal provided by a processor responsive to an application program) and processing the video signal responsive to the window information signal in order to generate a high-luminance viewing window. Now, the examiner recognizes this deficiency in McLaughlin and so relies on Whitehead to provide this teaching. However, the examiner specifically identifies

highlight selector 38 of Whitehead as the "window generator device."

It is clear, from Whitehead, that highlight selector 38 selects a different look-up table in a transfer function memory 30 for the highlighted area and it may also intensify the image in that area (column 4, lines 28-31), but it does not, in any way, generate a window, as required by a "window generator device." Whitehead may highlight a portion of an image but does not generate its own distinct image via a "window generator device."

While no separate window is generated by Whitehead, one might say that highlight selector 38 of Whitehead could be considered a "window generator device," as claimed, since it does receive a window control signal (from highlight operator controls 15) and does generate a signal (see the outputs of highlight selector 38) which could, conceivably, be labeled "a window information signal." However, even if we interpret the highlight selector in this manner, this is only as far as the interpretation can go. For example, instant claim 26 further calls for the display control device to receive a video signal and the window information signal (which was generated from the window generator device previously) and to use that window

information signal to process the video signal so that the processed video signal can be provided to the computer display screen to generate the high-luminance viewing window. The output of Whitehead's highlight selector 38, i.e., what the examiner has interpreted as the "window information signal," is not, in any way, used to process a video signal so as to generate a high-luminance viewing window, as claimed.

It is true that the examiner is employing McLaughlin as the reference teaching the claimed display control device 16 which receives the video signal from the video board 20. However, while McLaughlin indicates that the video board 20 drives display device 16 (column 5, lines 59-60), there is nothing therein indicating that the display device processes a video signal from the board, in response to a window information signal. Moreover, even though the examiner also points to Figure 6 of Whitehead for a teaching of a video signal, we find nothing in Whitehead indicating that this video signal, 84 in Figure 6, is processed in response to the "window information signal" output from highlight selector 38. In fact, when the Figure 6 embodiment is placed in the Figure 2 embodiment of Whitehead, it would appear that an input to the highlight selector 38 would initiate from the video signal, rather than the video signal and the "window

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information signal" being both input to a "display control device."

Thus, even if the references were combinable, and we are not convinced, from the examiner's rationale, that they are so combinable, or that the artisan would have sought to combine them in any manner for any purpose, it would appear to us that the combination would still not result in the instant claimed subject matter because no reasonable combination of these references would have resulted in the claimed system and method whereby a processor automatically generates a window control signal in response to an application program, a window information signal is generated from that window control signal, and that window information signal so generated is then used to process a video signal in order to generate a high-luminance viewing window.

Moreover, the examiner's rationale for making the combination, i.e., "because this would allow the operator adjusting the brightness and/or contrast of the selected highlight area and/or the background image independently, as taught by Whitehead (see abstract)" [answer-page 5], appears to be based on impermissible hindsight.

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It would appear that McLaughlin, alone, would teach the adjustment of brightness and/or contrast, of a selected highlighted window while leaving a background portion of a display at a lower brightness, or luminance. This is based on McLaughlin's teaching of enabling a user to vary display parameters such as brightness, or contrast, picture size or position (see abstract), including selection of a "maximum displayed intensity value..." Thus, the image in window 300 can have its parameters, e.g., luminance, varied to differ from that of the background portion of the screen. McLaughlin would also appear to run an application program and a processor wherein that processor needs to generate some type of control signal in order to establish, or generate, the window 300. However, it is not clear that McLaughlin, or the combination of McLaughlin and Whitehead, teaches or suggests the combination or interrelationship of the claimed signals wherein the application program causes a processor to automatically generate a window control signal, then that window control signal is used to generate a window information signal which, in turn, is used to process a video signal such that the processed video signal then causes a computer display screen to generate a high-luminance viewing window thereon.

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We have reviewed the abstract of Whitehead, which the examiner points to for the suggestion of adjusting brightness/contrast of a selected highlighted area and/or background image independently but this teaching appears to be directed to highlighting portions of an image so as to give better contrast, as in a medical image. It does not appear to be directed to highlighting only certain portions of a display "screen" and certainly does not add anything more to McLaughlin which already suggests, in our view, the adjustment of the luminance of a window independently of a background section.

While the examiner applies Lagoni in a rejection of certain dependent claims, since Lagoni does not provide for the deficiencies of the primary references regarding the independent claims, we also will not sustain the rejection of those claims to which McLaughlin, Whitehead and Lagoni are applied in combination.


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The examiner's decision rejecting claims 26-45 under
35 U.S.C. 103 is reversed.

REVERSED


ERROL A. KRASS)
Administrative Patent Judge)


LEE E. BARRETT)
Administrative Patent Judge)


JOSEPH L. DIXON)
Administrative Patent Judge)

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